IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.74956-M of 2006

DATE OF DECISION: JANUARY 29, 2007

Mohinder Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.D.S.Pheruman, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

...

This is fifth petition for regular bail filed by petitioner Mohinder Singh in case FIR No. 121 dated 18.10.2003 registered under Sections 304-B/498-A/406/34 IPC at Police Station Sri Hargobindpur, Tehsil Batala, District Gurdaspur. The earlier petitions were dismissed by this Court on 14.10.2004, 4.3.2005, 31.5.2006 and 3.8.2006.

I have heard the counsel for the parties.

Counsel for the petitioner contends that the petitioner is old father-in-law of the deceased and is in custody since 19.10.2003 and till date he has undergone more than 3 years 3 months sentence, and the trial has not yet been concluded. Counsel for the petitioner contends that the husband of the deceased, who is the main accused, has been granted regular bail by this Court vide order dated July 18, 2006 passed in Crl.Misc.No.48317-M of 2005, while observing as under:-

> "The petitioner has been behind bars for the last two years and eleven months. All co-accused have already been released on bail. The prosecution has failed to conclude its evidence for almost three years. As urged by counsel for the petitioner, the chemical analysis, and the histo pathology report have not revealed any poison. Counsel for the respondent has not expressed any apprehension that if released on bail, the

petitioner would tamper with the prosecution evidence or in any manner subvert the process of trial."

Counsel for the petitioner contends that when the fourth petition for regular bail was dismissed by this Court on 3.8.2006, counsel for the petitioner was not aware about the fact that the husband of the deceased has been granted regular bail by this Court (Rajive Bhalla, J.) in Crl.Misc.No.48317-M of 2005. Counsel contends that the trial has not yet been concluded and the main accused, who is the husband, has already been granted regular bail, therefore, the petitioner, who is old father-in-law, should also be granted regular bail.

Keeping in view the aforesaid facts, I deem it appropriate to grant regular bail to the petitioner, and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

January 29, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE